

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KELVIN HODY,

Plaintiff,

v.

Case No. 06-11108
Hon. Victoria A. Roberts

CITY OF DETROIT, et al.

Defendants.

/

ORDER DENYING MOTION AS UNTIMELY

This matter is before the Court on Plaintiffs Motion for clarification or, in the alternative, for reconsideration of this Court's Order granting Defendant City of Detroit's Motion to Dismiss.

The Order Plaintiff seeks clarification or reconsideration of was entered May 9, 2006. [Doc. 4]. Plaintiff's Motion for reconsideration was filed June 22, 2006. Plaintiff's Motion is untimely. Pursuant to E.D. Mich. LR 7.1(g), motions for reconsideration must be filed "within 10 days after entry of the judgment or order." Further, even if Plaintiff's Motion is characterized as a motion for clarification, it must be filed "no later than 10 days after entry of the judgment." Fed.R.Civ.P. 59(e). See also *Birdsong v. Wrotenberry*, 901 F.2d 1270, 1271-1272 (5th Cir. 1990).

Accordingly, Plaintiff's Motion is **DENIED** as untimely.

IT IS SO ORDERED.

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: June 29, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on June 29, 2006.

s/Linda Vertriest
Deputy Clerk